The Case of Thomas Pooley

A Reinvestigation.



lain Rowe -2008-

Introduction

At the Cornwall Summer Assize of 1857 a Cornish labourer, Thomas Pooley, was convicted of the offence of blasphemy. The Case of Thomas Pooley quickly became of interest to a number of radical thinkers of the time, and has since sustained a relative degree of critical attention. Pooley was allegedly seen writing blasphemous comments on a gate belonging to the Rector of the rural parish of Duloe. It would appear that this was an ongoing problem in the vicinity, as an advert had been placed in the local paper earlier in the year informing the public that such offenders would be prosecuted.¹

The subsequent trial and conviction of Pooley was reported in both the local and national press, and his cause was championed by George Holyoake, a professed atheist, who was himself convicted of blasphemy due to utterances made during a speech given at Cheltenham in August 1842.² On release, Holyoake launched *The Movement* and *The Reasoner*,³ journals which campaigned on a wide variety of different social and political issues. He was also the founding member of the Secularists, a group who wanted to see a division between the authority and control of the church and state, and who opposed the privileges awarded to Judaeo-Christian organisations and systems of belief.⁴ Questions raised by Holyoake regarding the reliability of the case against Pooley and the state of the accused man's mental state led to the widespread belief that the conviction was unsound. After the intervention of certain Members of Parliament a pardon was issued by Sir G. Grey, and Pooley, although by this time removed from the gaol and incarcerated in the local lunatic asylum, was freed.⁵

¹ The Cornish Times and General Advertiser, Saturday April 25th 1857, p1.

² Goss, CWF, 1908. A Descriptive Bibliography of the Writings of George Jacob Holyoake, with a Brief Sketch of His Life. Crowther & Goodman, pxxviii.

³ *Ibid*, p66.

⁴ *The BBC Website*. Religion and Ethics: Secularist. [accessed 20th May 2008]

http://www.bbc.co.uk/religion/religions/atheism/types/secularism.shtml.

⁵ The Cornish Times and General Advertiser, December 25th 1857, p1.

Holyoake constructed Pooley as an almost mythical figure; the label of 'Well Sinker' was used to good effect to highlight the convicted man's lowly status in life, and Holyoake also played on Pooley's idiosyncratic appearance, mannerisms and unorthodox religious perspective. Thus Holyoake was able to engender a 'culture of the victim' that appealed to both the public in general and more importantly to those in Parliament who had the authority to reinvestigate the alleged misdemeanors carried out in distant Cornwall. Pooley provided Holyoake and the Secularists with an exemplary case of alleged clerical injustice, which could be exposed in the public sphere as evidence of the need for reform. Nevertheless, to Holyoake's credit, he did ensure that the conviction was overturned, and started a fund to guarantee that Pooley and his family had some form of compensation. Holyoake's biased journal reports and ensuing pamphlet would be the primary sources used by subsequent historians looking at the case, who in general neglected to look beneath Holyoake's anti-religious rhetoric to investigate why Pooley was tried for this crime. Was this the religious persecution of a vulnerable eccentric as Holyoake would wanted his audience to believe, or was there another motive behind the conviction?

Historiography

The history of the case, as opposed to Holyoake's contemporary account, was first presented to the general public by Henry Thomas Buckle,⁶ following its mention by John Stuart Mill in his essay *On Liberty* published in 1859.⁷ In the twentieth century Gillian Hawtin published an article about the case in the January 1974 issue of *Notes and Queries.*⁸ Hawtin's research was based on sources held in The Holyoake Collection at the Co-operative Union in Manchester, and the published booklet based on the reports in *The Reasoner.*⁹ The resulting paper is informative yet appears to contain several errors. In conjunction with new evidence unearthed whilst checking the accuracy of Hawtin's paper, these factual errors have led to this reinvestigation of the case.

In 1987 T.J. Toohey published an academic paper in *Victorian Studies*, which tackles the case from a legal perspective.¹⁰Toohey makes several pertinent observations about the case that were overlooked in the anterior historiography, although again, the article contains a number of factual errors due to a lack of local knowledge. The case has also been cited in many other works on the subject of freethinking and blasphemy, which do not however investigate the prosecution in any further detail.¹¹ In an interesting twist though, a book published in 1989 by Joss Marsh¹² identifies a connection

 ¹¹ Viswanathan, G., 1995. Blasphemy and Heresy: The Modernist Challenge *Comparative Studies in Society and History*, Vol. 37, No. 2., pgs399-412;
Grugel, L. E., 1976. George Jacob Holyoake: a study in the evolution of a Victorian Radical. Philadelphia, Porcupine Press, pgs88-93;
Nash, D., 1995. Blasphemy in Modern Britain? Foote and the Freethinker.

History Today, Volume: 45 Issue: 10, October, pgs13-19;

- Nash, D., 1999. *Blasphemy in Modern Britain, 1789 to the Present.* Brookfield, Ashgate:
- Brookfield, Ashgate
- Nash, D., 2007. Blasphemy in the Christian World: A History.
- Oxford, Oxford University Press, p80.

⁶ Buckle, H.T., 'Mill on Liberty' Fraser's Magazine, May 1859, pgs533-537.

⁷ Grey, J. ed., 1991. Stuart John Mill On Liberty and Other Essays. Oxford, Oxford University Press, p34.

⁸ Hawtin, G., The Case of Thomas Pooley, Cornish Well Sinker, 1857. Notes and Queries. January 1974.

⁹ Holyoake, G.J., 1857. The Case of Thomas Pooley the Cornish Well Sinker. London, Holyoake and Co.

¹⁰ Toohey, T.J., Blasphemy in Nineteenth Century England: The Pooley Case and its Background. *Victorian Studies* vol.30 no.3 1987.

¹² Marsh, J., 1998, *Word Crimes: Blasphemy, Culture, and Literature in Nineteenth-Century England.* Chicago, The University of Chicago Press.

between Pooley, and the main protagonist in Thomas Hardy's *Jude the Obscure*, 1895. This was the last of Hardy's published novels, which originated from a magazine series later collated and published in book form. The text courted controversy from its nascence and was burnt publicly by the Bishop of Exeter upon publication. Although this association does not add any relevant historical material to the case, it does suggest the notoriety achieved by Pooley's actions (or at least Holyoake's portrayal of them).

Before turning to the specific context of Pooley's conviction, it is worth providing a definition of the term blasphemy. Blasphemy is a "contemptuous or profane act, utterance, or writing concerning God or a sacred entity."¹³ The root of the controversy pertaining to the Thomas Pooley case was that during this mid-century period, Britain was ostensibly moving towards a much more liberal society, and according to Buckle,¹⁴ several pieces of contentious, possibly blasphemous texts, had been published by academics, without drawing prosecution.¹⁵ Due to Pooley's low position in society,¹⁶ his inability to defend himself, and his financial and academic limitations the Cornishman's conviction was seen by Holyoake to be unfair. Thomas Pooley was tried in a Court of Law for a crime of religion, and it was the religious backgrounds of the leading actors in the plot, which would draw the criticism of the Secularists and Freethinkers of Victorian Britain. The fact that the presiding judge; Sir John Taylor Coleridge, was the father of the prosecutor; John Duke Coleridge, indeed added more credibility to the claims of injustice.

¹³ The Oxford English Dictionary, Online Edition. [accessed 20th May 2008]: http://www.oed.com

¹⁴ Buckle, H.T., 'Mill on Liberty' *Fraser's Magazine*, May 1859, p535.

¹⁵ *Ibid*.

¹⁶ This is the identifier used by Joss Marsh when making the connection between Pooley and Jude Fawley in Hardy's *Jude the Obscure*.

Mill & Buckle

John Stuart Mill was the first to cite the case following Pooley's release. Mill was a philosopher, economist and advocate of women's rights,¹⁷ and it was his essay On Liberty published some eighteen months after Pooley's conviction, which brought the case to a wider readership than Holyoake's reports and pamphlet. Nevertheless, one might assume by reading Buckle's review of the essay¹⁸ that Pooley's case was a significant part of Mill's thesis, as the former sets aside over five pages to describe Pooley's prosecution. These pages are sprinkled liberally with Buckle's own social, political and religious viewpoints and biases. In fact, Mill's essay merely contains six lines and a footnote to this "unfortunate man, said to be of unexceptionable conduct in all relations of life."¹⁹ Both Mill and Buckle were prominent radicals and religious freethinkers in their day,²⁰ and thus, to find them in agreement against the actions of the church and court authorities is perhaps unsurprising. However, Buckle's reopening and extensive reporting of the case eighteen months after Pooley had been pardoned demonstrates his own preoccupation with the case. Buckle was successful in provoking a fervent response to the case, although many in his circle, including Charles Kingsley, were unhappy that he had put the Coleridge's to the sword.²¹

John Duke Coleridge replied to Buckle's criticism of himself and his father in the pages of Fraser's Magazine,²² although the editor refused to let Buckle further respond to Coleridge. Therefore, Buckle privately published *A Letter to a Gentleman respecting Pooley's Case*, 1859, in which he replied to Coleridge

¹⁷ Harris, J. 'Mill, John Stuart (1806–1873)', *Oxford Dictionary of National Biography*, Oxford University Press, Sept 2004; online edn, May 2007 [accessed 31 March 2008] http://www.oxforddnb.com/view/article/18711.

¹⁸ Buckle, H.T., 'Mill on Liberty' *Fraser's Magazine*, May 1859, pgs533-537.

 ¹⁹ Grey, J. ed., 1991. Stuart John Mill On Liberty and Other Essays. Oxford, Oxford University Press, p34.
²⁰ Heyck, T.W., 'Buckle, Henry Thomas (1821–1862)', Oxford Dictionary of

National Biography, Oxford University Press, 2004, [accessed 31 March 2008] http://www.oxforddnb.com/view/article/3861.

²¹ See: Huth, A.H., 1880. *The life and writings of Henry Thomas Buckle* Vol II. London, Sampson Low, Marston, Searle & Rivington.

²² Coleridge, J.D., 'A Letter to a Gentleman respecting Pooley's Case' *Fraser's Magazine*, Vol. 59 June 1859.

reiterating his first publication.²³ Nevertheless, according to Heyck the pamphlet "was not widely read".²⁴ However, as E.H. Coleridge pointed out in 1904, it is apparent from Buckle's coverage of the case, that he relied solely on Holyoake's pamphlet²⁵ for his information,²⁶ not once visiting Pooley or anyone else concerned, nor accessing or referencing any of the other source material available. As a self-proclaimed historian, Buckle used a very ahistorical method to make his argument, and this was quite probably one of the reasons that his colleagues distanced themselves from his actions and publications. However, it is important to note that history as an academic discipline was in its infancy at this time.

The Coleridge's

John Duke Coleridge took exception to many of the phrases used by Buckle in his initial bombardment. Coleridge replied to Buckle showing his distain for the man and his ideologies in one succinct sentence: "applied to a living person by way of angry vituperation might be the language of priests of the altar of liberty, but was not the language of gentlemen."²⁷ He continues: as to the charges that the trial was a concerted action between clergymen and a judge with clerical instincts, or that there was a tacit understanding between his father and himself, or that the obscurity of the man or the place afforded an occasion for prosecution – nothing but willful or invincible ignorance could [have] fabricated such a tissue of absurdity and falsehood.²⁸ John Duke in this statement nails his colours firmly to the mast. Nevertheless, as we shall see as this investigation unfolds, the implications are that there was indeed some collusion between the 'judge with clerical instincts' and 'clergyman', and the 'obscurity of the man' might have not been an issue to

²³ Buckle, H.T., 1859. A Letter to a Gentleman respecting Pooley's Case. London.

²⁴ Heyck, T.W., 'Buckle, Henry Thomas (1821–1862)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004, [accessed 31 March 2008] http://www.oxforddnb.com/view/article/3861.

²⁵ Holyoake, G.J., 1857. The Case of Thomas Pooley the Cornish Well Sinker. London, Holyoake and Co.

²⁶ Coleridge, E.H., 1904, Life & Correspondence of John Duke Lord Coleridge Lord Chief Justice of

England. London, William Heinemann, pgs245-252.

²⁷ *Ibid*.

²⁸ Coleridge, J.D., 'A Letter to a Gentleman respecting Pooley's Case' *Fraser's Magazine*, Vol 59 June 1859.

John Duke Coleridge, but the 'place' was certainly not obscure to him, and as we shall see, was probably the primary reason the case even went to trial.

The young John Duke Coleridge progressed from Eton to Balliol College, Oxford. Whilst at Balliol he became friendly with both Fredrick Temple, and their tutor Robert Scott.²⁹ Temple wrote to Coleridge from Truro, Cornwall on 12 Jan 1842³⁰ telling of how he spent the previous weekend at Scott's Rectory, and how Scott was fondly reminiscing about their time at Balliol together. Temple then goes on to talk about how they had spent much time studying the "correspondence upon No. 90, between Scott and his friends."³¹ The No. 90 mentioned by Scott in his letter does have a bearing on the case, as Holyoake highlights the fact that some of the key players in Pooley's conviction were 'Puseyites'³². The No. 90 is the last of the *Tracts for the Times* produced by Keble, Pusey (hence Puseyites) and Newman, High Churchmen at the University of Oxford concerned with state interference with Church matters.³³ This, so called, Oxford Movement also wished to see a return to a more traditional interpretation of the Church of England service, they were also nicknamed Tractarians after the titles of their publications. According to Pugsley,³⁴ Coleridge took a keen interest in the Tractarian movement, and although not a cleric, he throughout his whole life worked with various religious bodies in advisory roles,³⁵ and publicly campaigned for them. Temple on the other hand, although having much interest in the whole Tractarian

²⁹ Spooner, H.M. 'Temple, Frederick (1821–1902)', rev. Mark D. Chapman, *Oxford Dictionary of National Biography*, Oxford University Press, 2004; online edn, Jan 2008 [accessed 31 March 2008] http://www.oxforddnb.com/view/article/36451.

³⁰ Coleridge, E.H., 1904, Life & Correspondence of John Duke Lord Coleridge Lord Chief Justice of England. London, William Heinemann, p97.

³¹ Coleridge, E.H., 1904, Life & Correspondence of John Duke Lord Coleridge Lord Chief Justice of England. London, William Heinemann, p98.

³² Holyoake, G.J., 1857. *The Case of Thomas Pooley the Cornish Well Sinker*. London, Holyoake and Co.,p15.

³³ Parsons, G., (Ed) 1988, *Religion in Victorian Britain*, I Traditions. Manchester, Manchester University Press. pp29-30.

³⁴ Pugsley, D., 'Coleridge, John Duke, first Baron Coleridge (1820–1894)', Oxford Dictionary of National Biography, Oxford University Press, Sept 2004; online edn, Jan 2008. [accessed 31 March 2008] http://www.oxforddnb.com/view/article/5886.

debate, was not much influenced by it, a key factor, not in relation to the case, but one which would allow him to obtain the post of Bishop of Exeter in 1869, Bishop of London in 1885, and ultimately Archbishop of Canterbury in 1897.³⁶ Scott's feelings about the Tractarians have not been located in the historical record, but seeing as he aspired in 1854 to the post of Master of Balliol, and then in 1870 the deanery of Rochester, the implications are he kept at least an arms length away from the controversial Tracts. Prior to being elevated to the afore mentioned posts, he "was ordained in 1835, and held the college living of St. Cuby, Duloe, Cornwall, from 1840 to 1850"³⁷, and his first wife lies in its churchyard. It was whilst visiting Scott at this rectory that Temple wrote part of his letter to Coleridge giving us the link between these three Balliol men, and the place where Pooley was later to commit his alleged crime.

Thomas Pooley

Pooley was born in the ancient market and stannary³⁸ town of Liskeard in Cornwall, where, according to the census return, he still lived in 1851. He was 45 years old and registered as a general labourer (pauper) living in Dean Street, with his wife Mary aged 50, registered as a washerwoman.³⁹ Their children also lived with them, and are listed as: John W., cordwinder (app) age 16; Mary, scholar age 12; Thomas, errand boy aged 9 and William, aged 7 also a scholar.⁴⁰

³⁵ For example: *The Times* of December 17th 1857, under the heading 'Missions in India' lists Coleridge as one of six advisors on the platform at a meeting of the Society for the Propagation of the Gospel in Foreign Parts, others include the Bishop of Jamaica, and an Arch deacon from New Zealand .

³⁶ Spooner, H.M. 'Temple, Frederick (1821–1902)', rev. Mark D. Chapman, *Oxford Dictionary of National Biography*, Oxford University Press, 2004; online edn, Jan 2008 [accessed 31 March 2008] http://www.oxforddnb.com/view/article/36451.

³⁷ Craik, H., 'Scott, Robert (1811–1887)', rev. Richard Smail, *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [accessed 15 April 2008] http://www.oxforddnb.com/view/article/24907.

³⁸ An administrative centre for the mineral industry, designated by royal appointment.

 ³⁹ Census Return 1851, Borough of Liskeard. London, The Public Record Office.
⁴⁰ *Ibid*.

The year following the census, Holyoake⁴¹ tells us that Thomas junior died aged eleven on January 26th 1852, and was subsequently refused burial by the Anglicans and Methodists, finding a resting place eventually with the Quakers. This refusal by the Church of England and the Dissenters, or 'Methodies' as Thomas senior allegedly called them⁴², to bury Thomas junior is often quoted in the historiography of the case, and implies that Pooley's idiosyncratic nature had offended both denominations at some time. However, it is here that we first encounter generalisations and a degree of unfounded speculation by some of the historians who have covered the case. Buckle and Hawtin contend that Pooley's conviction was unfair due to his being of unsound mind; Hawtin especially makes much of the death of Thomas junior⁴³ as a likely catalyst. This assertion is made on the basis of Holyoake's contention that Thomas senior decorated the grave with flowers and precious stones, and would lie for hours upon it weeping. However, in his pamphlet, Holyoake emphasized the fact that the death of Thomas junior was not the event that turned Pooley's mental state. Holyoake points to the fact Pooley probably inherited his unconventional views, and his cerebral idiosyncrasies from his father, whom Holyoake visited whilst in Liskeard after the trial.⁴⁴ Indeed, E.H. Coleridge cites evidence from the correspondence from John Duke Coleridge which argues that Pooley had been writing blasphemous sentences on walls and gates for at least fifteen years prior to his conviction, sometimes up to six or seven times in a few days.⁴⁵ If this information is correct then Pooley started his spate of anti-religious graffiti some nine years before his son died, a fact that tends to confirm Holyoake's claim of longstanding social issues. However, E.H. Coleridge's citation is unreferenced, and he I would suggest, surely be a prime candidate (being a family member)

⁴¹ Holyoake, G.J., 1857. *The Case of Thomas Pooley the Cornish Well Sinker*. London, Holyoake and Co., p13.

 ⁴² Holyoake, G.J., 1857. *The Case of Thomas Pooley the Cornish Well Sinker*. London, Holyoake and Co., p08.
⁴³ Hawtin, G., The Case of Thomas Pooley, Cornish Well Sinker, 1857. *Notes and Queries*. January 1974,

p21. ⁴⁴ Holyoake, G.J., 1857. *The Case of Thomas Pooley the Cornish Well Sinker*. London, Holyoake and Co.,

p07

to try and bias opinion in favor of the Judge and Prosecutor. In this investigation no other mention of the length of time Pooley had been writing such comments could be found.

Along with Pooley's fragile mental state, his unconventional appearance and religious perspective are also much discussed. His beard was extremely long, and according to Holyoake left him open to ridicule. It was when the Gaol authorities tried to cut this off that Pooley became violent, tore up his prison uniform, and was subsequently left naked in his cell.⁴⁶ His everyday clothes were also, according to Holyoake, as unconventional as his beliefs.⁴⁷ Holyoake understood Pooley to be a Pantheist, who believed that Planet Earth was alive; therefore the well-sinker would not dig too deep in order not to "wound the heart of the world."48 However, if you are to dig a well you need to excavate down to the water table whatever the depth, or else all you have is a hole. Holyoake's notions about Pooley's Pantheism may well be a romanticisation of his labouring man. Nevertheless, Pooley's religious background may be of consequence to his conviction. A study of the Bodmin Gaol Registers⁴⁹ shows Pooley listed as a Jew. Does this suggest another reason as to why Pooley seems to have been persecuted; was this just a misunderstanding on the part of the authorities, or is that indeed what the offender claimed to be?

⁴⁵ Coleridge, E.H., 1904, Life & Correspondence of John Duke Lord Coleridge Lord Chief Justice of England. London, William Heinemann, p249.

⁴⁶ Holyoake, G.J., 1905. Bygones Worth Remembering, Vol 1. London, T. Fisher Unwin. p131.

⁴⁷ Holyoake, G.J., 1857. The Case of Thomas Pooley the Cornish Well Sinker. London, Holyoake and Co.

⁴⁸ Holyoake, G.J., 1905. *Bygones Worth Remembering*, Vol 1. London, T. Fisher Unwin. p130.

Reverend Hobhouse

Whatever the alleged period of time that Pooley, or someone else, had been writing such comments on walls and gates, the first hard evidence that such actions were occurring is reported in The Cornish Times newspaper, April 25th 1857:

Blasphemy. ANY Person who has seen a man writing Blasphemous sentences on Gates, or other places in the neighborhood of Liskeard is requested to communicate immediately with Messrs PEDLER & GRYLLS, Liskeard, or with the Rev, R. HOBHOUSE St. Ive Rectory.⁵⁰

Edward H. Pedler & Humphrey Grylls were a pair of attorneys based in Liskeard,⁵¹ and we may make the assumption they were being employed on behalf of the Rector of St. Ive to catch the alleged blasphemer. Here we can identify another problem with Ms. Hawtin's paper⁵²; she twice alters Holyoake's correct rendition of Hobhouse's parish from St. Ive (pronounced saint eve) to St. Ives. Whilst the latter is maybe the most familiar name to those unacquainted with the county in which the events occurred, her failure to undertake thorough research, before changing out of hand, evidence that she found questionable, leads the reader to suppose that a Rector some fifty miles from Liskeard had placed the advertisement, when in fact he was just four miles away.

So how did the Rector of St. Ive become involved in the affair? The answer to this question cannot be located in the sources accessed to date, but we can postulate that either his property or that belonging to his parishioners had been defaced by such graffiti. Contradicting Hawtin, Toohey makes the claim that the Rector of Duloe (Paul Bush) placed the advertisement.⁵³ However, he

⁴⁹ Cornwall Record Office: AD1676/4/6.

⁵⁰ The Cornish Times and General Advertiser, Saturday April 25th 1857, p1.

⁵¹ Post Office Directory (The), 1856, Cornwall Section.

⁵² Hawtin, G., The Case of Thomas Pooley, Cornish Well Sinker, 1857. *Notes and Queries*. January 1974, p21.

p21. ⁵³ Toohey, T.J., Blasphemy in Nineteenth Century England: The Pooley Case and its Background. *Victorian Studies* vol.30 no.3 1987.

has not referenced this important fact, which would imply complicity between the local clergy against the perpetrator. Thus, it would appear Toohey has made an assumption based on the subsequent historiography of the case, as he has not explained why if Bush placed the advertisement, it was signed by Hobhouse.

Although the Reverend Reginald Hobhouse receives no further mention in any of the historiography pertaining to the case, it is worth pointing out a couple of interesting facts missed by the previous investigations which certainly suggests his being complicit in the persecution of Pooley. The Reverend Reginald Hobhouse M.A. was educated at Eton and Balliol College, Oxford, and according to Hobhouse-Balme (the biographer of his daughter⁵⁴) he owed his position to Sir Robert Peel, under whom his father Henry was Permanent Under-Secretary at the Home Office. Reverend Hobhouse was father to four children, the last two of whom were to become national figures; Leonard was a social philosopher and journalist, and Emily, a social activist and charity worker. ⁵⁵ Emily's mother died when she was twenty, and she spent the next fourteen years looking after her father who was in poor health. After he had passed away she went to Minnesota to perform welfare work amongst the Cornish mineworkers, the trip having been arranged by the wife of the Archbishop of Canterbury, Fredrick Temple.⁵⁶ This proves at least two connections between the Hobhouses, and the other lead actors investigated so far. The fact is that all of those we have looked at so far, were educated at, or had connections to Balliol College, Oxford, an observation not made in the anterior historiography of Pooley's case.

⁵⁴ Hobhouse-Balme, J.,1994, *To Love One's Enemies*. Canada, The Hobhouse Trust, p6.

⁵⁵ Freeden, M., 'Hobhouse, Leonard Trelawny (1864–1929)', *Oxford Dictionary of National Biography*, Oxford University Press, Sept 2004; online edn, May 2006 [accessed 20 April 2008] http://www.oxforddnb.com/view/article/33906.

Reverend Glencross

The next actor to enter the stage is the Reverend James Glencross. According to local historian John Allen, Glencross was the son of William who built Luxstowe House in Liskeard, and in 1856 held the Curacy of Tideford.⁵⁷ That year Glencross is also listed as gentry, and one of the 136 acting magistrates for the County of Cornwall.⁵⁸ Glencross was the magistrate to whom, according to Holyoake, Paul Bush reported Pooley's actions. Furthermore, it was Glencross who signed the summons calling Pooley to attend the Petty Session at Trecan Gate on July 1st 1857.⁵⁹ As a man of the cloth, Glencross is implicated by Holyoake - and thereby also Hawtin - as being complicit in the religious persecution of Thomas Pooley. However, both neglect to look any further than the collar around Glencross's neck. Indeed, here Ms. Hawtin's research is once again inadequate. She confuses the magistrate with, a James H. Glencross, Curate of Bodmin, who has the same name and birth year. The 1851 and 1861 censuses, and the 1856 Post Office Directory, show both Glencrosses; but only the Liskeard Glencross is listed in all three as a magistrate. By confusing the Glencrosses Hawtin also misses the thread of a connection which has become evident during this investigation; unlike the Bodmin Glencross who went, according to Hawtin to Christ's College Cambridge, the other - as a letter in the Cornwall Record Office confirms was a student at Balliol College, Oxford with Robert Scott.⁶⁰

⁵⁶ Hobhouse-Balme, J.,1994, *To Love One's Enemies*. Canada, The Hobhouse Trust.

⁵⁷ Allen, J., 1856. *The History of the Borough of Liskeard*. London, William and Fredrick G. Cash. Liskeard, J. Philp, p522.

⁵⁸ Post Office Directory (The) 1856, Cornwall Section.

⁵⁹ Holyoake, G.J., 1857. *The Case of Thomas Pooley the Cornish Well Sinker*. London, Holyoake and Co. p12.

⁶⁰ CRO: AD145/97/1 & AD145/97/2: Letter & photograph dated 26 & 30 May 1937: Sent to Revd. Layng [?] from JP[?] Glencross. Regarding a portrait of Dr. Jenkins Master of Balliol, and offering a portrait he had of

Pooley's Trials

Holyoake informs us that Pooley rose just after midnight on the day of the Petty Session, and visited the grave of his son. Whilst there he scribbled the following on a slate:

Death and the Grave the victory claims. Bible tyrants can't destroy its laws nor yet its powers. The grave gives Life, the grave sends Death. Let Bible tyrants behold the tides how grand they ebb and flow. By the power of this globe, tyrants, be careful, for your life is not your own, for in a moment it is gone and called to the grave, and receives judgment. Thomas Pooley July the first.⁶¹

This inscription was later used as evidence against Pooley at the Assize trial, and was the second count in the charges laid before the Judge.

Thomas Pooley then walked the eight miles to Trecan Gate in the parish of Lanreath, where the Petty Sessions sat in a public house. Pooley pleaded not guilty, the case was sent to the Assize, and Pooley was committed to Bodmin Gaol. The sitting magistrates were the Rev. Arthur Tatham, Rector of nearby Broadoak Church and Francis Howell Esq. of Ethy, Lostwithial, who was a former High Sheriff of Cornwall. That one of the magistrates was a Churchman, added evidence to Holyoake's claim of religious persecution. As I have been unable to verify, either the religious tendencies or the educational backgrounds of these two magistrates during this investigation, any link between them and the other actors considered so far, must be suspended. There is no record of this sitting, and the local press did not apparently cover it. Whilst under arrest at Trecan Gate, Pooley was heard to say to Alfred Stripling, a constable: "we cannot publish this. It is too abominable."⁶² This was later used as evidence against Pooley at the Assize trial, and was the fourth count in the charges laid before the Judge. Holyoake states that Reverend James Glencross sat at the Petty Session, and thus sent Pooley to

Scott in the vestry to Duloe Church, noting that "my father was at Balliol with him" and "Scott and Glencross were undergraduates there".

⁶¹ Holyoake, G.J., 1857. *The Case of Thomas Pooley the Cornish Well Sinker*. London, Holyoake and Co. p13.

trial. However, the Bodmin Gaol Registers⁶³ give instead the names of the two magistrates mentioned above. Indeed, the Rev. Glencross can be found on the magistrates list for the Cornwall Midsummer Sessions at Bodmin, which were sitting at the same time and therefore he could not possibly have tried Pooley at the Petty Sessions.⁶⁴

Thomas Pooley was then taken to Bodmin Gaol to await trial at the Summer Assize; on arrival at the prison he was given the number 25078.⁶⁵

On July 30th at the Cornwall Summer Assize at Bodmin, Pooley was charged with:

Having unlawfully and willfully composed, wrote and published a certain scandalous, impious, blasphemous and profane libel of and concerning the Holy Scriptures and the Christian Religion, and for having blasphemously spoken against God and profanely scoffed at the Holy Scriptures, and exposed them to ridicule and contempt.⁶⁶

The presiding Judge was Sir John Coleridge; his son John Duke Coleridge was the prosecuting council. Pooley once again pleaded not guilty and defended himself. The accused was reported as being a "dirty looking excitable man with a long grisly beard. [...] He addressed the jury in a rambling way stating initially that he hoped the jury were not Christians."⁶⁷

The trial was reported in the local press,⁶⁸ and also covered by *The Times*.⁶⁹ The details vary little from paper to paper and the bare bones of the story are as follows. At around noon on Friday 22nd May 1857 Mary Bawden, an employee of Paul Bush, the Rector of St. Cuby, Duloe, saw someone writing on the gate of the field that she was working in. The field was of four acres and

⁶² The Royal Cornwall Gazette. 07 Aug 1857, p.6, 4th&5th cols

⁶³ Cornwall Record Office: AD1676/4/6.

⁶⁴ The West Briton. 03 Jul 1857

⁶⁵ Cornwall Record Office: AD1676/4/6.

⁶⁶ Holyoake, G.J., 1857. *The Case of Thomas Pooley the Cornish Well Sinker*. London, Holyoake and Co, p3.

⁶⁷ The Royal Cornwall Gazette. 07 Aug 1857, p.6, 4th&5th cols

⁶⁸ The Royal Cornwall Gazette, 07 Aug 1857, The Cornish Times 01 Aug 1857, The West Briton, 07 Aug 1857.

abutted the high road leading from Duloe to Tredinnick; as it was part of the glebe lands, it belonged to the parish. Mary Bawden went towards the gate and the perpetrator moved off; she described him as wearing fustian clothes (a stout fabric of cotton and flax) and carrying a tin as used by billstickers. At the trial she could not swear that the individual she had seen was Pooley. Mary Bawden could not read the writing, but about a quarter of an hour later William Mitchell came along and read: 'Jesus Christ' and 'T. Pooley' written in white chalk on the black gate. Mitchell had passed Pooley on the road, carrying a billstickers tin, and bills, and passed no one else until he reached the gate. Reverend Bush arrived a few minutes after Mitchell left, and he read on the gate 'Duloe Stinks of the Monster Christ's Bible – Blasphemy' 'T Pooley'. Bush sent to have the remarks rubbed out that day. Richard Crapp later spotted Pooley in a public house in Sandplace. In conversation with Crapp about the potato disease Pooley was alleged to have stated: "If folks would burn their Bibles and take the ashes for dressing, it would get rid of the disease."⁷⁰ The jury "almost immediately returned the prisoner guilty" on the first, third and fourth counts, and the sentence passed by Coleridge was: first count – six months; third count – six months; fourth count – nine months.⁷¹ The writing on the gate was the first count. Justice Coleridge did not pursue the second count, and no evidence was put forward (this was the slate placed on Thomas junior's grave before the Petty Session). The third was the conversation Pooley had with Crapp in the public house and the fourth the conversation with Stripling at the Petty Session.

However, in addition to the glaringly obvious difference between what witnesses had allegedly seen written on the gate, there are some more subtle disparities that have come to light. The field in question is still in 2008 recognisable as the one at the centre of the case. It appears on the 1841 Duloe tithe map and apportionment as: "1243 Middle Butt Park - 4 acres, 2

⁶⁹ The Times. 03 Aug 1857.

⁷⁰ The Royal Cornwall Gazette. 07 Aug 1857, p.6, 4th&5th cols

⁷¹ The Royal Cornwall Gazette. 07 Aug 1857, p.6, 4th&5th cols

rods & 1 perch - Glebe Land."72 The position of the gate though has been moved - apparently to allow easier access for modern farm machinery. However, an investigation of the hedge shows its original location on the road to Tredinnick as reported at the trial. Pooley's only defense was that he did stop at the gate, and that opposite the gate was a lane to Sandplace (fig. 1). The inference is that the culprit may have used that lane and therefore not passed William Mitchell. Nonetheless, today there is no sign of such a lane, just a defunct Methodist Chapel. Nevertheless the Duloe tithe map,⁷³ does indeed show both the chapel, and to the south of it a small lane which runs behind the Rectory to Sandplace. A modern Ordnance Survey map also shows that the field is located on the edge of a valley, and thus falls away rapidly. Mary Bawden tells us that she "was about half way in", and we can calculate then that she was about 75 metres away from the gate. This, coupled with the incline of the valley suggests that Bawden would not have been in a position to see the entrance to the field; at that distance she would have been much lower than it (depending on where she was working). This indeed highlights another error in Ms. Hawtin's paper, as she confuses her linear measurements with those of area, stating that Bawden was two acres away. This would in fact put Bawden against the opposite hedge with no hope of seeing the gate whatsoever. Returning to the gate itself, not one of the journalists or historians who have covered the story make much of the different evidence given by Bush and Mitchell about what was written on the gate. This surely would have been key to the whole prosecution, as the other two counts under which Pooley was convicted were hearsay. The gate evidence provokes a lot of questions that remain unanswered, even unanswerable. How likely is it that someone would find himself in the highest court in the County just by writing the words 'Jesus Christ' on a gate? A person no less than the chief witness, Mary Bawden could not even swear in court that Pooley was the man she saw at the gate. Perhaps the reason that she could not swear it was him, was because she could not even see the gate; just a man walking away when she

⁷³ Ibid.

⁷² The Cornwall Record Office TM/51.

approached him. Also if – as the court recorded –Bush had sent for someone to clean the words off the gate, how was it possible for the words to still be in existence for Holyoake to make a sketch (*fig 2*), for his pamphlet cover⁷⁴ some two and a half months after the alleged incident took place?



Fig. 1: The Duloe Tithe Map of 1841. This shows the lane opposite the field (1243) running beside the chapel towards Sandplace. The Vicarage became The Rectory, after the living passed to Balliol College, Oxford.

⁷⁴ Holyoake, G.J., 1857. *The Case of Thomas Pooley the Cornish Well Sinker*. London, Holyoake and Co, p1.

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Fig. 2: The cover of Holyoake's pamphlet, with his rendition of what he purportedly saw written on the gate.

Conclusion

Undoubtedly it was Holyoake's intervention that saw Pooley's release, and no matter what his reasons for taking on the case, without his involvement Thomas Pooley could have spent the rest of his life locked up in the asylum at Bodmin. Instead, the Superintendent of the asylum drove Thomas Pooley home on Christmas Eve 1857 in his own carriage, and we find Pooley and Mary in both the 1861 and 1871 censuses still living in Moon's Court off Dean Street, Liskeard. In both cases his occupation is listed as a labourer. Thomas died in 1876 aged 69 years old. His son William, aged 17 in 1861, listed as a cabinet maker's apprentice, but living at home, was to become one the town's foremost tradesmen, with a large furniture manufactory and showroom, based in Castle Street.

It would appear from all the census records that Thomas Pooley was a general labourer, working in a variety of unskilled, and thus, low-paid jobs. This was reflected in his living in one of Liskeard's notoriously unsanitary court developments. Nevertheless, he was literate and was able to lay the foundations for his son to go on and become a respected businessman. As I have mentioned, Holyoake played on Pooley's humble background; the occupation of Well Sinker, may have been more for effect than accuracy. Pooley probably took whatever work became available; let us not forget on Friday 22nd May 1857 he was posting bills.

As to the true facts behind Pooley's religious views, we will probably never know. Surely someone would have identified Pooley as a Jew (as the Gaol Register⁷⁵ specified) to Holyoake, when the latter visited the county. Perhaps this information would have been counterproductive to Holyoake's crusade? However, it was common practice across the country to list persons with un-Christian ideas as Jews, so perhaps we should not read too much into that entry.

⁷⁵ Cornwall Record Office: AD1676/4/6.

It would appear that Pooley's fragile mental state became shattered after imprisonment and the attempt to cut off his beard. It is listed in the Gaol Register⁷⁶ that he was transferred to the asylum, but the transfer does not appear in the asylum records. However, George Holyoake admitted many years later⁷⁷ that Sir John Coleridge played a part in Pooley's transference to the asylum and his ultimate release, and thus this particular actor in the case – despite originally sending Pooley to Gaol – did make amends when the facts about Pooley's mental state were presented to him.

Nonetheless, we still have not identified a solid reason for Thomas Pooley's conviction, especially as the evidence against him was so questionable. First, Pooley's decision to defend himself was surely an issue, although he certainly could not have afforded to hire someone else to defend him (he was listed in the census of 1851 as a pauper). Second, we have no evidence to explain why he (or someone else using his name) signed the gate this time. Perhaps he had signed his blasphemous statements before, but had never previously been spotted in the vicinity in person. No evidence to suggest that Pooley had signed himself in this way before, has been forthcoming apart from John Duke Coleridge's biographer who states that Pooley had been doing such acts for well over 15 years.⁷⁸ Thirdly, why this gate? Did he choose it because as this investigation has shown it was opposite a Methodist Chapel, and would he have also known that the field was owned by the Church? Perhaps this was an ideal opportunity for Pooley to have his revenge on the two organisations that had refused to bury his son?

This reinvestigation has been unable to answer the above questions with any solid evidence. But the answers posited, are all as plausible as previous accounts. Was it the name of God that was being violated or property belonging to the ruling class? Certainly it was not a crime against common

⁷⁶ Ibid.

⁷⁷ Holyoake, G.J., 1905. *Bygones Worth Remembering*, Vol 1. London, T. Fisher Unwin, p131.

⁷⁸ Coleridge, E.H., 1904, Life & Correspondence of John Duke Lord Coleridge Lord Chief Justice of England. London, William Heinemann, p249.

property or land. However, after an alleged 15 years of being a nuisance in the area, Pooley was pursued through the courts and convicted. Thomas Pooley on Friday 22nd May 1857 it would appear picked the wrong gate. There is little evidence, other than his pleas of not guilty, to show he was not the culprit, and on that day he chose to write on a gate belonging ultimately to Balliol College, Oxford. What Holyoake and all those who have come after him have failed to realise is that every key actor in Pooley's conviction can be traced back to the ultimate owners of the gate in question. As has been shown above: Robert Scott was the first Rector of the Balliol College living of Duloe; Robert Scott was at Balliol with James Glencross; Robert Scott was a tutor to John Duke Coleridge and Fredrick Temple; Fredrick Temple's wife helped Reginald Hobhouse's daughter in later life; Reginald Hobhouse went to Balliol College, Paul Bush being Rector of the College living, surely must have graduated from Balliol?

It would appear thus that 'The Case of Thomas Pooley' was not strictly the religious persecution of an eccentric, as Holyoake had claimed, but that Pooley more probably the victim of the 'Balliol Old Boys Club'. Who more than likely, were encouraged by Robert Scott, their former colleague, the former Rector of St. Cuby, Duloe and Master of the College?

Of those implicated of complicity by this investigation only Sir John Coleridge, (whose college of graduation is unknown) who having according to Holyoake overseen Pooley's release, is the only one historically traceable to have shown any post conviction remorse. However, his son, who was to ultimately to become Lord Chief Justice, in rulings on subsequent cases, was to reinterpret the crime of Blasphemy. Interpretations, indeed, which were to remain in law until challenged and redefined following *The Gay News* case of 1979.⁷⁹

⁷⁹ Nash, D., 2007. *Blasphemy in the Christian World: A History*. Oxford, Oxford University Press, p98.

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This paper is an adaption of a research project which contributed towards my Foundation Degree in History, Heritage and Archaeology. I would like to thank Dave Thomson the module leader for his advice and encouragement to pursue this topic; Niamh Downing the Education Officer at the Cornwall Record Office, not only for her continuous and enthusiastic mentoring, but also for giving this adapted paper a read over before I presented it for publication; Heather Medland, Angela Broome, Jean Massey and Tony Wood for their help and encouragement; the Cornwall Record Office for allowing me to use the two images in this publication and finally my family for their unceasing encouragement and patience throughout my return to education - Thank you all!